

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

DAVID PITTS,
Plaintiff,

V.

V.

G4S SECURE SOLUTIONS (USA), Inc., a foreign business corporation; STEWART BECKER, an individual; PAUL TRAYNOR, an individual; PAUL CRUZ, an individual; and FACEBOOK, INC., a foreign business corporation,

Defendants.

Case No. 3:20-cv-00074-AC

FIRST AMENDED COMPLAINT (ORS ch.659A discrimination, whistleblowing discrimination, negligence, breach of contract)

Amount in Controversy:
\$1,750,000.00

For his Complaint, Plaintiff alleges:

1.

Defendant G4S Secure Solutions (USA), Inc. (hereinafter "G4S") is a foreign business corporation, authorized to do and at material times doing business in the state of Oregon.

2.

Defendant G4S maintains a business office in Multnomah County, Oregon.

25 Defendant G4S employs approximately 800 employees in Multnomah County, Oregon and
26 conducts regular and sustained business activity in Multnomah County, Oregon.

3.

Defendant Facebook, Inc. (hereinafter “Facebook”), is a foreign business corporation authorized to do and at material times doing business in the state of Oregon, with regular and sustained business activities in Multnomah County, Oregon.

4.

Defendant Stewart Becker (“Becker”) was at all material times a manager in the employ of Defendant G4S.

FIRST CLAIM (ORS 659A.030(f) – vs. Defendant G4S

5.

Paragraphs 1 through 4 are hereby incorporated as if fully set forth herein.

6.

Defendant G4S employed Plaintiff from on or about June 23, 2017 to July 11, 2018, first as a shift supervisor and then, following a promotion, as site supervisor at Facebook's Data Center.

7.

During his employment with Defendant G4S, and within the scope of his job duties, Plaintiff reported and/or opposed numerous incidents of actual or alleged unlawful employment practices--including race discrimination, sexual harassment and violation of the Oregon Family Medical Leave Act by G4S--supporting and assisting numerous subordinate security officers in their complaints of unlawful employment practices and opposing attempts by Defendant G4S to systematically cleanse the Facebook worksite of Hispanic security officers in favor of white males with military and/or law enforcement backgrounds.

8.

Defendant G4S terminated Plaintiff's employment and otherwise discriminated against Plaintiff in the terms, conditions or privileges of his employment because of his opposition to unlawful employment practices and/or his assistance with other employees' complaints of

1 unlawful employment practices, and/or his association with Hispanic security officers, in
2 violation of Oregon Revised Statute 659A.030(f).

3 9.

4 As a result of Defendant G4S's violation(s), Plaintiff has suffered and will suffer
5 economic damage in an amount to be proved at trial, including but not limited to damages for
6 loss of employment, lost wages, loss of increased pay, loss of future income, loss of paid
7 time off, and loss of retirement and fringe benefits, which is alleged to be \$250,000.00.

8 10.

9 As a further result of Defendant G4S's violation, Plaintiff has suffered and will suffer
10 from, *inter alia*, anger, frustration, depression humiliations, anxiety, emotional pain, mental
11 anguish, and loss of enjoyment of life, all to his non-economic damage in an amount to be
12 proven at trial, which is alleged to be \$1,500,000.00.

13 11.

14 Defendants' acts were malicious and/or reckless, and Plaintiff reserves the right to
15 allege punitive damages.

16 12.

17 Pursuant to ORS 20.107 and 659A.885, Plaintiff is entitled to an award of reasonable
18 attorney fees, expert witness fees, costs and disbursements incurred herein.

19 **SECOND CLAIM (ORS 659A.030(a) – vs. Defendants G4S**

20 13.

21 Paragraphs 1 through 7 and 9 through 12 are hereby incorporated as though fully set
22 forth herein.

23 14.

24 Defendant G4S terminated Plaintiff's employment because of his association with
25 Hispanic security officers, in violation of Oregon Revised Statute 659A.030(a).

26 // /

1 **THIRD CLAIM (ORS 659A.199) – vs. Defendants G4S**

2 15.

3 Paragraphs 1 through 7 and 9 through 12 are hereby incorporated as though fully set
4 forth herein.

5 16.

6 Defendant G4S discharged and/or otherwise discriminated or retaliated against
7 Plaintiff in the terms, conditions or privileges of his employment because Plaintiff in good
8 faith reported information that Plaintiff believed was evidence of a violation of a state or
9 federal law, rule or regulation, in violation of ORS 659.199(a).

10 **FOURTH CLAIM (ORS 659A.030 (g)) – vs. Defendant Becker**

11 17.

12 Paragraphs 1 through 16 are hereby incorporated as though fully set forth
13 herein.

14 18.

15 Defendant Stewart Becker (hereinafter “Becker”) aided or abetted, and attempted to
16 aid or abet, Defendant G4S’s unlawful practices set forth above in one or more of the
17 following particulars:

- 18 a. Repeatedly contacting Hispanic security officers to inquire as to who was
19 assisting Hispanic security officers in filing complaints against Becker and G4S,
20 including calling an Hispanic security officer at home in the middle of the night;
- 21 b. Directing or encouraging other G4S supervisors to discipline Plaintiff for no
22 legitimate reason;
- 23 c. Directing or encouraging other supervisors to maintain a hostile work
24 environment for Plaintiff for no legitimate reason;
- 25 d. Ignoring and disregarding reasonable and good faith suggestions and ideas by
26 Plaintiff related to security operations at the Facebook Data Center;

- 1 e. Removing Plaintiff from his interviewing responsibilities after Plaintiff voiced
- 2 concerns about G4S's hiring practices; and
- 3 f. Attempting to prohibit Plaintiff from communicating with Defendant Facebook
- 4 regarding concerns about workplace safety and discrimination.

5

6 **FIFTH CLAIM FOR RELIEF (Negligence)—vs. Facebook**

7 19.

8 Paragraphs 1 through 7 and 9 through 12 are hereby incorporated as though
9 fully set forth herein.

10 20.

11 Plaintiff and others reported the unlawful and discriminatory employment practices set
12 forth herein directly to Defendant Facebook's management.

13 21.

14 Facebook failed and neglected to correct G4S in its implementation of its unlawful and
15 discriminatory acts and failed and neglected to adequately supervise G4S, thereby allowing
16 G4S to continue its implementation of unlawful and discriminatory employment policies as
17 set forth herein.

18 22.

19 Facebook's negligence as set forth above created a reasonably foreseeable risk that
20 G4S would discriminate and retaliate against Plaintiff in one or more of the manners set forth
21 herein.

22 23.

23 As a result of Facebook's negligence, Plaintiff suffered the damages set forth in
24 paragraphs 9 and 10, above.

25 / / /

26 / / /

SIXTH CLAIM FOR RELIEF (Breach of Contract)—vs. Defendants G4S and Facebook

24.

Paragraphs 1 through 7 and 9 through 12 are hereby incorporated as though fully set forth herein.

25.

Defendants G4S and Facebook were parties to a Security Services Agreement related to G4S's provision of security services at Facebook's Data Center.

26.

Facebook and G4S intended the Security Services Agreement to benefit third parties, including Plaintiff, in regard to the maintenance of a safe and non-discriminatory workplace.

27.

12 The Security Services Agreement required Defendant G4S to maintain a safe and
13 non-discriminatory workplace and to specifically comply with the non-discrimination
14 provisions of Executive Order 11246 and related laws, regulations and policies prohibiting
15 discrimination.

28.

17 The Security Services Agreement required Defendant Facebook to cooperate with
18 G4S to evaluate, identify and address risk and exposure related to workplace safety and
19 compliance, including incidents of alleged discrimination.

29.

Defendants G4S and Facebook breached the Security Services Agreement by failing to comply with non-discrimination laws, ignoring and failing to address reported concerns of racial discrimination, failing to carry out their obligations to maintain a safe and non-discriminatory workplace in good faith, and failing to deal fairly with Plaintiff in regard to his specific reports and concerns about racial discrimination in the workplace.

26 | //

1 30.
2
3 As a result of Defendants' breaches, Plaintiff suffered the economic damages set forth
4 in paragraph 9, above.

5 **WHEREFORE**, Plaintiff prays for judgment as follows:

6 **FIRST, SECOND, AND THIRD CLAIMS:** against Defendant G4S in the amount of
7 \$1,750,000; for post-judgment interest at the statutory rate; for Plaintiff's reasonable attorney
8 fees, witness fees, costs and disbursements; and such further relief as the court may deem
9 equitable and just.

10 **FOURTH CLAIM:** against Defendant Becker, jointly and severally with Defendant
11 G4S, in the amount of \$1,750,000; for post-judgment interest at the statutory rate; for
12 Plaintiff's reasonable attorney fees, witness fees, costs and disbursements; and such further
13 relief as the court may deem equitable and just.

14 **FIFTH CLAIM:** against Defendant Facebook, jointly and severally with Defendants
15 Becker and G4S, in the amount of \$1,750,000; for post-judgment interest at the statutory
16 rate; for Plaintiff's costs and disbursements; and such further relief as the court may deem
17 equitable and just.

18 **SIXTH CLAIM:** against Defendants G4S and Facebook, jointly and severally, in the
19 amount of \$250,000.00; for post-judgment interest at the statutory rate; for Plaintiff's costs
20 and disbursements; and such further relief as the court may deem equitable and just.

21 DATED this 18th day of August, 2020.

22
23 PHILIP R. ANDERSON, P.C.
24
25 /s/ Philip R. Anderson
26 Philip R. Anderson, OSB No. 952023
Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned does hereby certify that the foregoing FIRST AMENDED COMPLAINT was served on Defendants on August 18th, 2020 via the following method(s):

- First Class Mail, postage prepaid
- Service via Electronic Filing on CM/ECF registered users
- Facsimile Transmission
- Personal Delivery
- Overnight Delivery

To the following persons, addressed to said persons at their last known address as indicated below:

Luke W. Reese
Garrett Hermann Robertson, P.C.
1101 Commercial St. N.E.
Salem, Oregon 97301

Jennifer L. Pope
Kelly Eisenlohr-Mohl
Dinsmore & Shohl, LLP
900 Wilshire Dr.
Troy, MI 48084

DATED this 18th day of August, 2020

PHILIP R. ANDERSON, P.C.

By: /s/ Philip R. Anderson
Philip R. Anderson, OSB #952023
Attorney for Plaintiff